

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRYAN ALLEN CARY, Plaintiff,	Case No. 21-12665 Honorable Shalina D. Kumar Magistrate Judge Curtis Ivy, Jr.
v.	
K. FARRIS, et al., Defendants.	

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**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 30)  
AND DISMISSING PLAINTIFF'S COMPLAINT**

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Plaintiff Bryan Allen Cary, proceeding *pro se*, brought this civil rights action against two individual healthcare providers at Macomb Correctional Facility. ECF No. 1. This case was referred to the assigned magistrate judge for all pretrial purposes. ECF No. 8.

The assigned magistrate judge issued a Report and Recommendation (R&R) recommending that the Court dismiss plaintiff's complaint under Federal Rule of Civil Procedure 41(b) because plaintiff had neither responded to the Court's order to show cause (ECF No. 26), nor provided an updated address. ECF No. 30. As noted in the R&R, "the parties to this action may object to and seek review of this Report and

Recommendation but are required to file any objections within 14 days of service, as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d).” *Id.*, at PageID.157. “A failure to file timely objections not only waives the right to de novo review of a Magistrate Judge’s Report and Recommendation but dispenses with the need for the district court to conduct any review.” *Jones v. Warden, Ross Corr. Inst.*, 2013 WL 6230365, at \*2, (S.D. Ohio Dec. 2, 2013) (citations omitted).

Plaintiff never filed objections to the R&R. But more than nine months after the R&R issued, he filed a notice of change of address and request to relitigate, which explained that he had been paroled and did not receive mail from the Court after November 2022. ECF No. 36. Plaintiff was required to promptly notify the Court of any change in address. E.D. Mich. LR 11.2. The Court notified plaintiff of this responsibility shortly after he filed this case; that he ultimately, months later, filed a notice demonstrates that he understood his obligation. ECF No. 4; ECF No. 36. Although the Court will not construe plaintiff’s markedly delinquent notice and request (or the two motions for summary judgment filed that same date, ECF Nos. 37, 38) as timely objections, it is not without sympathy for plaintiff’s situation.

Accordingly, it **ADOPTS** the R&R but **DISMISSES** plaintiff's complaint **without prejudice.**

Dated: March 5, 2024

Shalina D. Kumar  
SHALINA D. KUMAR  
United States District Judge